

**2017-2020 Periodic Review Report (PRR)
for
125 Main Street Site
Buffalo, NY
NYSDEC BCP Site No. C915262**

Prepared for:

Harbor District Associates, LLC
570 Delaware Ave.
Buffalo, New York 14202

Prepared by:

EnSol, Inc.
661 Main Street
Niagara Falls, New York 14301

April 2020
Revised August 2020

PN 20-0026

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Appendix A	Figures and Drawings <ul style="list-style-type: none">• Vicinity Location Map (Figure 2 from SMP, October 2013)• ALTA/ACSM land Title Survey (TVGA, November 2013)• IRM and Cover System Details (Figure 3 from SMP, October 2013)
Appendix B	Completed Institutional Control (IC) and Engineering Control (EC) Certification Form

1.0 EXECUTIVE SUMMARY

1.1 Purpose

This Periodic Review Report (PRR) is required as an element of the remedial program at the 125 Main Street Site (hereinafter referred to as the “site”) under the New York State (NYS) Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC). The site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index# C915262-05-12, Site # C915262, which was executed on August 16, 2012. A Certificate of Completion (COC) was issued on December 30, 2013.

This PRR is prepared for the reporting period March 16, 2017 through March 16, 2020.

1.2 Site Background and Remedial History

The site is located at the intersection of Washington St. and Scott St. in the City of Buffalo, Erie County, New York. The approximately 1.82-acre site is comprised of two separate parcels, identified as parcels D1 and D2. Both parcels were developed by Harbor District Associates, LLC (HDA) and are currently owned by Erie Canal Harbor Development Corporation (ECHDC). Parcel D1 is currently used as office, hotel, and retail space. Parcel D2 is currently vacant, open space. See the Location Vicinity Map (Appendix A) for the site location.

Phase I and II environmental site assessments (ESA’s) and subsurface investigations conducted at the site (2007-2013) revealed evidence of subsurface contamination, including elevated concentrations of semi-volatile organic compounds (SVOCs) and metals above NYSDEC Part 375 Commercial Use soil cleanup objectives (SCOs). Based on the information gathered during previous assessments and investigations, an interim remedial measure (IRM) was conducted at the site during 2013. The IRM included the removal of contaminated soil/fill from a portion of Parcel D1. Additional remedial measures included the installation of a cover system, preparation of a Site Management Plan (SMP), and the execution of an environmental easement. See the IRM and Cover System Details (Appendix A) for the location of the IRM and approximate soil/fill thickness.

1.3 Effectiveness of the Remedial Program

During the reporting period March 16, 2017 through March 16, 2020, the remedial objectives have been met. This assessment is based on an evaluation and assessment (discussed further in Section 4.0) of the site remedial measures (i.e., cover system, SMP). Additionally, the remedial

measures currently in-place appear to be able to achieve the ultimate remedial objectives for the site.

1.4 Compliance

No areas of non-compliance were identified during this reporting period.

1.5 Recommendations

Based on our evaluation of the effectiveness of the remedial program and the site's compliance with major elements of the SMP, no changes to the SMP, frequency of PRR submittals, or discontinuance of site management are recommended.

2.0 SITE OVERVIEW

2.1 Site and Remedial History

The site is located in the City of Buffalo, County of Erie, New York and is an approximately 1.82-acre area bounded by a depressed railroad track and Interstate I90 to the north, Scott St. to the south, Washington St. to the east, and Main St. to the west (see Appendix A – Figures and Drawings)

The site is comprised of two separate parcels, identified as parcels D1 and D2. Parcel D1 is the main development parcel and is approximately 1.61 acres. Parcel D2 is approximately 0.21 acres and is located south of D1 along Scott St. Parcel D1 has been re-developed into an office, hotel, and retail building. Parcel D2 is currently vacant, open space. The site is located in a district of the local zoning map labeled as Institutional/Light Industrial; however, residential uses are also permitted in this district.

The site was once occupied by commercial storefronts, a restaurant, a junk yard, a contractor's yard, the American Bit Brace Factory, a machine shop, the Cooper and Sibley Paper Box factory, a boot and shoe manufacturer, a tin shop, a paint shop, a patent medicine manufacturer, and a wire works. Quay Street once ran east and west through the central area of the site, parallel to the Hamburg Canal. The Lehigh Valley Railroad passenger terminal was once located in the southern end of the site, atop the Hamburg Canal which had been backfilled between 1899 and 1925. The office building was constructed in 1960 and was once the location of the NYS Dept. of Transportation, with three underground storage tanks (USTs) installed beneath the paved parking areas for gasoline, diesel and fuel oil. The three USTs were removed and successfully remediated in 2008. Prior uses that appear to have led to site contamination include machining and painting operations that occurred on site and the storage and use of petroleum and other fossil fuels.

Prior to remediation and re-development activities, several investigations were conducted at the site to evaluate previous site history and subsurface soil and groundwater quality. Previous investigations performed at the site included:

- Phase I Environmental Site Assessment (URS, May 2007);
- Phase II Environmental Site Assessment (URS, November 2007);
- Underground Storage Tank Closure Report (Lender, December 2008);
- Phase IB Cultural Resources Investigation (Panamerican, December 2009); and
- Supplemental Phase II Investigation (Benchmark, November 2011).
- Remedial Investigation (Benchmark/EnSol, 2012/2013).

Based upon investigations conducted to date, the primary contaminants of concern include SVOCs and metals. The contaminants were found in both of the parcels that comprise the site and at similar concentrations.

2.2 2013 Site Remediation Program

Phase I and II ESA's and subsurface investigations conducted at the site (2007-2013) revealed evidence of subsurface contamination, including elevated concentrations of SVOCs and metals above NYSDEC Part 375 Commercial Use soil cleanup objectives SCOs. Based on the information gathered during previous assessments and investigations, an IRM was performed at the site (Parcel D1) during 2013. This included the removal of contaminated soil/fill from a portion of Parcel D1. Additional remedial measures implemented at both parcels included the installation of a cover system, preparation of an SMP, and the execution of an environmental easement. See the IRM and Cover System Details and the ALTA/ACSM Survey (Appendix A) for additional information on site remediation and cover system details.

It should be noted that the cover system noted on the IRM and Cover System Details drawing (Appendix A) does not include a cross-section of the asphalt and concrete cover system installed on the east half of Parcel D2 . Towards the end of the project, it was determined that since the project trailer would be not be moved until after sometime the following year, the existing asphalt in place around the project trailer could be left in place and that concrete would be placed beneath the trailer to complete the cover system. After consultation with the NYSDEC, the cover system was approved for this area of Parcel D2.

3.0 REMEDY EVALUATION AND EFFECTIVENESS

The site was remediated in accordance with the remedy selected by the NYSDEC in the Decision Document dated October 28, 2013. The following are the components of the selected remedy:

- Construction and maintenance of cover systems to prevent human exposure to remaining contaminated soil/fill remaining at the site. There are four separate cover systems that are installed and maintained at the site. Within the IRM area of Parcel D1, the cover system is comprised of a geotextile fabric demarcation layer, a minimum of 11 inches of clean stone fill, and a five-inch concrete slab. The cover system placed in the remaining areas of Parcel D1, outside of the IRM area, is comprised of a geotextile fabric demarcation layer, a minimum of 12 inches of clean stone fill, one inch of sand, and three inch concrete pavers. The cover system on the east half of Parcel D2 is comprised of a geotextile fabric demarcation layer, 20 inches of clean stone fill, and approximately four inches of asphalt. Also on the east half of Parcel D2, as approved by the NYSDEC, concrete was placed in lieu of asphalt when the project trailer was removed from the site in 2014. The cover system on the west half of Parcel D2 consists of a geotextile fabric demarcation layer, 20 inches of clean stone fill, four inches of topsoil, and a layer of sod.
- Execution and recording of an environmental easement to restrict land use and prevent future exposure to any contamination remaining at the site. The environmental easement for the site was executed by the Department on December 6, 2013, and filed with the Erie County Clerk on December 13, 2013.
- Development and implementation of a SMP for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional Controls (ICs) and Engineering Controls (ECs) and (2) reporting.
- Periodic inspection and certification of the institutional and engineering controls.

It should be noted that starting in July 2019, Parcel D2 has been used as an equipment and materials lay-down yard for a nearby City of Buffalo construction project. The topsoil and sod portion of the cover system on the western half of Parcel D2 was removed to facilitate the temporary use of the parcel as a lay-down yard. The underlying stone layer and geotextile demarcation layer portions of the cover system remain in-place. Additional stone was placed for both temporary re-grading of the site and protection of the underlying cover system. As part of the contractor's (Cerrone) contract with the City of Buffalo, the site is maintained to prevent stormwater runoff and is also required to be restored to previous conditions upon completion of

the construction project which is currently forecasted to be at the end of the 2020 construction season.

On March 25, 2020, EnSol conducted a site inspection to evaluate the integrity and performance of the site cover systems installed at Parcels D1 and D2. Based on our inspection, the cover systems for both parcels appear to be in good condition and performing as intended. During our evaluation, EnSol also reviewed the SMP for compliance. No deficiencies with regard to site management were noted; however, some minor administrative items require updating.

During the reporting period March 16, 2017 through March 16, 2020, the remedial objectives have been met. This assessment is based on an evaluation of the site remedial measures (i.e., cover system, SMP). Additionally, the remedial measures currently in-place appears to be able to achieve the ultimate remedial objectives for the site.

4.0 IC/EC PLAN COMPLIANCE REPORT

4.1 IC/EC Requirements and Compliance

In accordance with the Decision Document, the following are the remedial measures selected for the site:

Institutional Controls

1. *Groundwater Use Restriction*

Description and Objective - Prohibits the use of groundwater for potable water supply(s) without proper treatment and approval(s).

Current Status – In-place. The site is located within an area that utilizes public water service.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

2. *Soil Management Plan*

Description and Objective - Will provide provisions to ensure that any ground intrusive activities conducted at the Site in the future will be conducted in a safe and environmentally responsible manner with respect to contaminants of potential concern (COPCs) remaining in site-related soils and groundwater.

Current Status – In-place. During the current reporting period, there have been no intrusive activities conducted at the site.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

3. *Land Use Restriction (Environmental Easement)*

Description and Objective - Includes legal property use restrictions ensuring the protection of public health and the environment by prohibiting more restrictive uses of the property as well as use of groundwater without proper treatment and approvals.

Current Status – In-place. There have been no changes to the land use for the site.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

4. *Site Management Plan (SMP)*

Description and Objective - The SMP includes three major components; the IC/EC Plan detailing controls intended to eliminate potential exposure pathways to COPCs remaining in site-related soil/fill and groundwater, an Excavation Work Plan detailing required methods for handling site soils if future excavation work is required, and the Site Monitoring Plan describing inspection and monitoring activities that will be required to

ensure that IC/ECs remain in-place and are effective.

Current Status – In-place. No change to the SMP as all elements remain applicable, with the exception of some minor administrative revisions.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

5. *IC/EC Plan*

Description and Objective - Institutional controls at the site consist of restrictions on land use which allow Restricted Residential and/or Commercial land use of the property, but prevent more restrictive land uses such as Unrestricted Use. There will also be restrictions on groundwater use that would prohibit the use of groundwater for potable water supply(s) without proper treatment and approval(s). Engineering controls at the site consist of physical barriers to eliminate potential exposure pathways to COPCs still present in site-related soils and groundwater.

Current Status – In-place. No change to the IC/EC Plan as all elements remain applicable.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

Engineering Controls

1. *Cover System*

Description and Objective - Construction and maintenance of cover systems to prevent human exposure to remaining contaminated soil/fill remaining at the site. There are four separate cover systems that are installed and maintained at the site. Within the IRM area of Parcel D1, the cover system is comprised of a geotextile fabric demarcation layer, a minimum of 11 inches of clean stone fill, and a five-inch concrete slab. The cover system placed in the remaining areas of Parcel D1, outside of the IRM area, is comprised of a geotextile fabric demarcation layer, a minimum of 12 inches of clean stone fill, one inch of sand, and three-inch concrete pavers. The cover system on the east half of Parcel D2 is comprised of a geotextile fabric demarcation layer, 20 inches of clean stone fill, and approximately four inches of asphalt. Also on the east half of Parcel D2, as approved by the NYSDEC, concrete was placed in lieu of asphalt when the project trailer was removed from the site in 2014. The cover system on the west half of Parcel D2 consists of a geotextile fabric demarcation layer, 20 inches of clean stone fill, four inches of topsoil, and a layer of sod.

Current Status – In-place. The cover system for each parcel is in good condition and appear to be working effectively.

Recommended Corrective Measures – No deficiencies noted and no corrective measures recommended.

4.2 IC/EC Certification

The completed IC/EC Certification Form for the reporting period March 16, 2017 through March 16, 2020 is included as Appendix B.

5.0 OVERALL PRR CONCLUSIONS AND RECOMENDATIONS

During the reporting period March 16, 2017 through March 16, 2020, the remedial objectives have been met. This assessment is based on an evaluation of the site remedial measures (i.e., cover system, SMP). Additionally, the remedial measures currently in-place appear to be able to achieve the ultimate remedial objectives for the site.

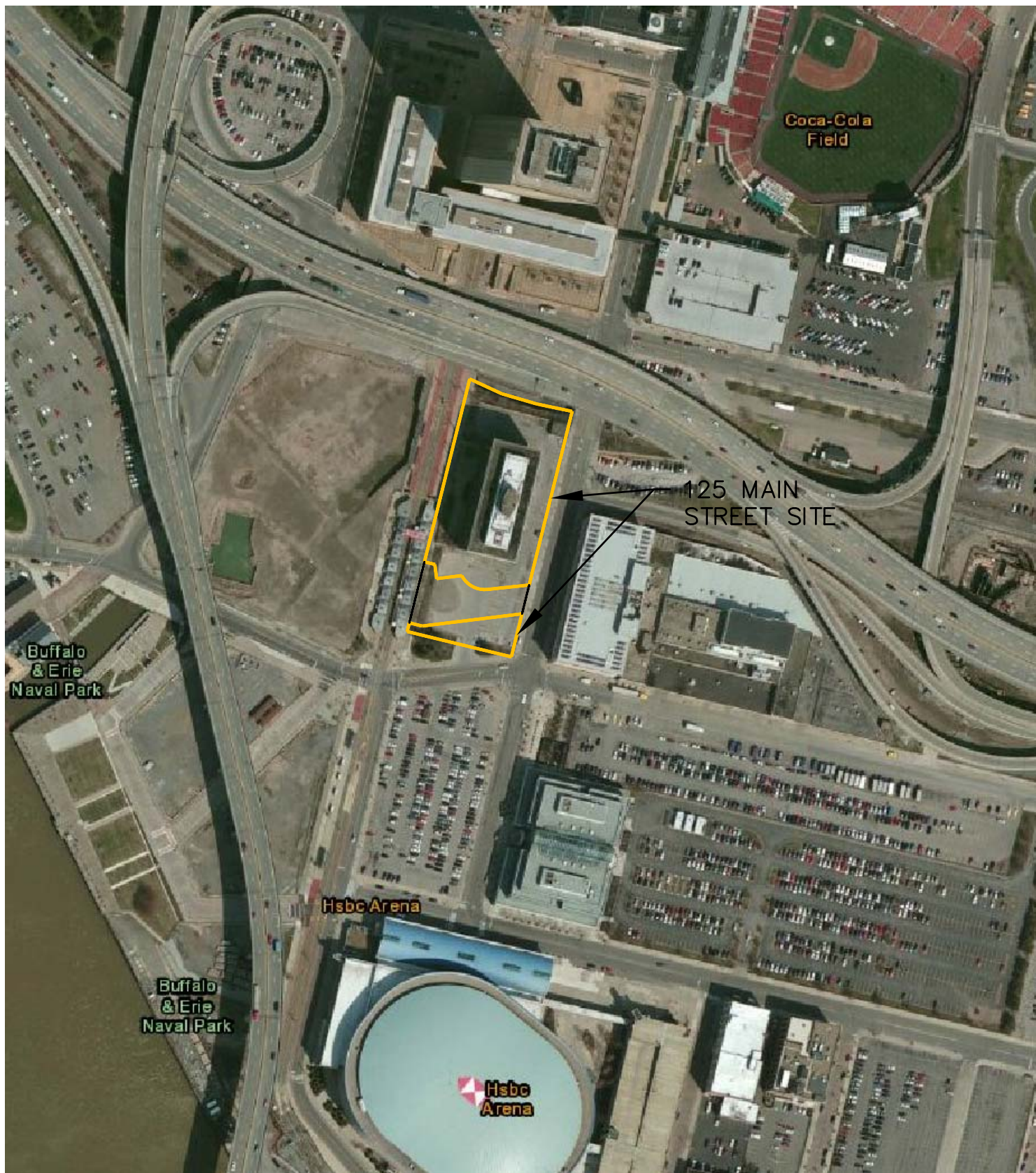
Based on our evaluation of the effectiveness of the remedial program and the site's compliance with major elements of the SMP, no major changes to the SMP, frequency of PRR submittals, or discontinuance of site management are recommended.

Appendix A

EnSol, Inc. *Environmental Solutions*

professional engineering – business consulting

Figures and Drawings



NOTES:

1. SOURCE: U.S. FISH AND WILDLIFE SERVICES

LEGEND:

- PARCEL BOUNDARY
- BCP BOUNDARY

SCALE: 125' 0' 125' 250'



VICINITY LOCATION MAP

125 MAIN STREET SITE

HARBOR DISTRICT ASSOCIATES, LLC

CITY OF BUFFALO, STATE OF NEW YORK

EnSol, Inc.
Environmental Solutions

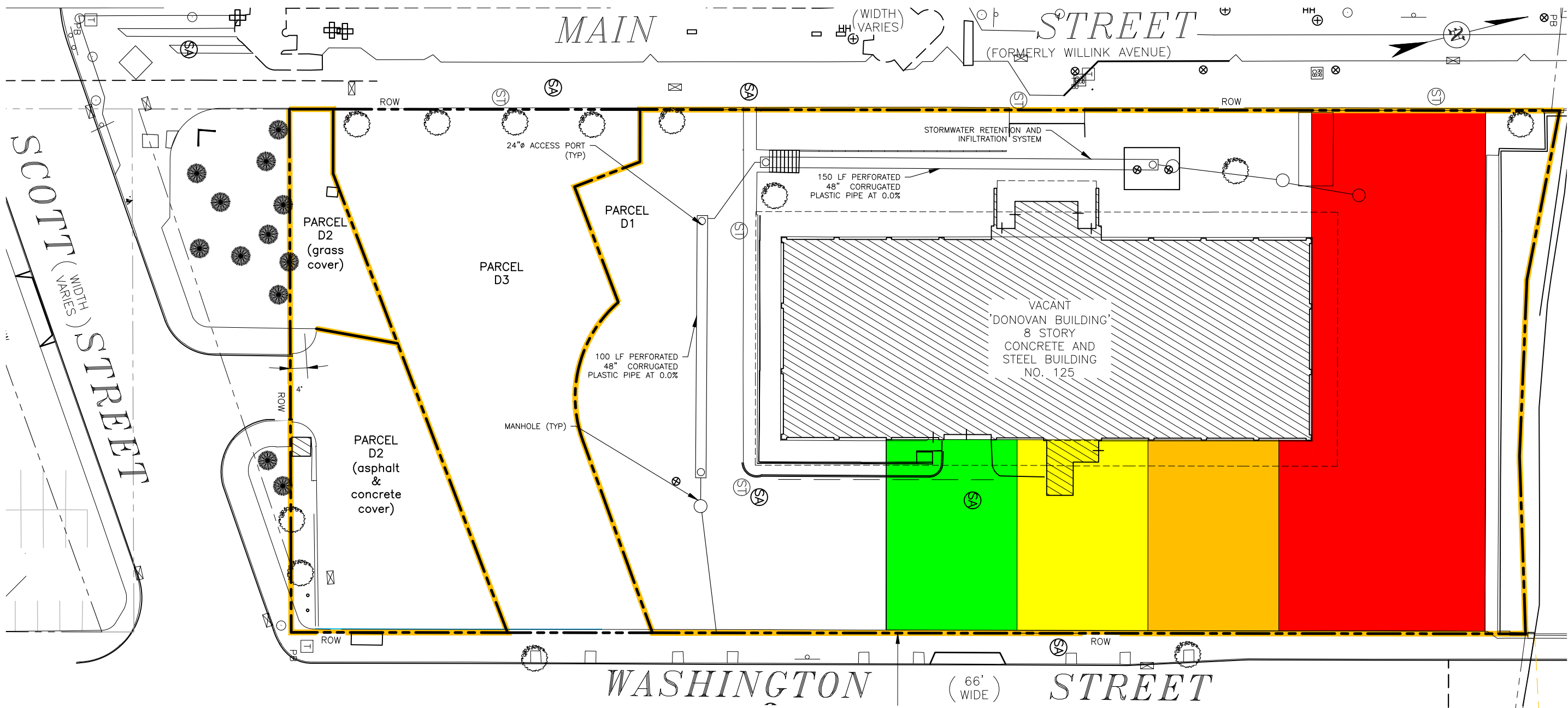
661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3920
FAX (716) 285-3928

FIGURE
2

MAY 2013

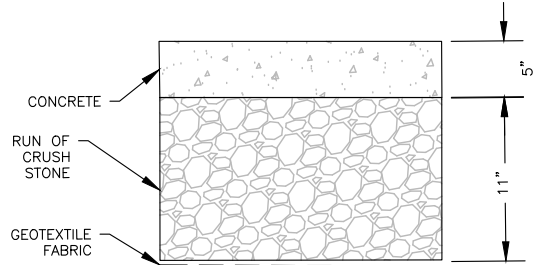
PN: 12-0069-3

DOUGLAS R. HAGER
PROFESSIONAL LAND SURVEYOR N.Y.S.P.L.S. NO. 050204

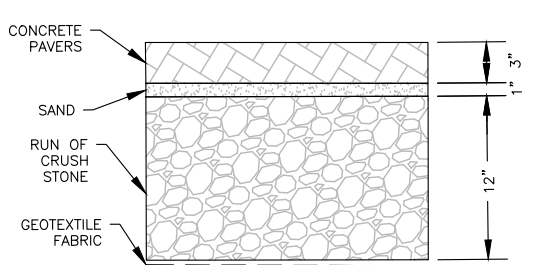


- LEGEND:**
- APPROXIMATE PARCEL BOUNDARY
 - BCP BOUNDARY
- NOTES:**
1. BASE MAP PROVIDED BY FOIT ALBERT ASSOCIATES.
 2. PROPERTY BOUNDARY LINES SHOWN HEREON ARE APPROXIMATE AND FOR REFERENCE ONLY.

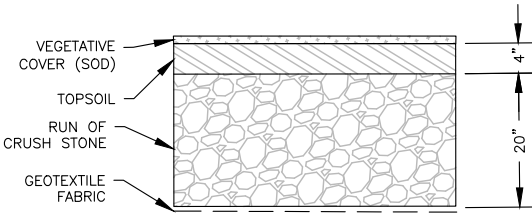
- APPROXIMATE IRM EXCAVATION DEPTH (BELOW GROUND SURFACE)**
- 0'-3'
 - 3'-6'
 - 6'-9'
 - 9'-12'



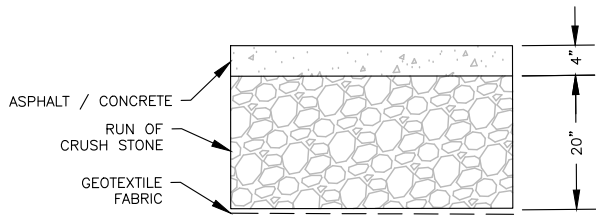
PARCEL D1 (IRM AREA)



PARCEL D1 (NON-IRM AREA)



PARCEL D2 (WEST HALF)



PARCEL D2 (EAST HALF)

COVER SYSTEMS

REVISION	BY	DATE
REVISE PARCEL D2 COVER SYSTEM DETAILS	JMS	8/18/20
REVISE PARCEL D2 COVER SYSTEM DETAILS	AMW	10/22/13

EnSol, Inc.
Environmental Solutions

661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3920 FAX (716) 285-3928

PROJECT NO:	12-0069-5
SCALE:	20' 0' 20' 40'
DWG:	12-0069-F06-IRM And Cover Systems Details.dwg
DES. BY:	JCD
DRW. BY:	JCD
CHK. BY:	DJP
DATE:	AUGUST 2013

TITLE:	IRM AND COVER SYSTEM DETAILS		
PROJECT:	125 MAIN STREET SITE BUFFALO, NEW YORK		
PREPARED FOR:	HARBOR DISTRICT ASSOCIATES, LLC		
CITY OF BUFFALO	COUNTY OF ERIE	STATE OF NEW YORK	

Appendix B

EnSol, Inc. *Environmental Solutions*

professional engineering – business consulting

Completed Institutional Controls(IC) and Engineering Controls (EC) Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. **C915262**

Site Name 125 Main Street Site

Site Address: 125 Main Street Zip Code: 14204
City/Town: Buffalo
County: Erie
Site Acreage: 1.820

Reporting Period: March 16, 2017 to March 16, 2020

YES NO

1. Is the information above correct? ☒ ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? ☐ ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐ ☒

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development? ☐ ☒

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below? ☒ ☐
Restricted-Residential, Commercial, and Industrial

7. Are all ICs/ECs in place and functioning as designed? ☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915262**Box 3****Description of Institutional Controls**Parcel**part of 111.17-7-1**Owner

Erie Canal Harbor Development Corp.

Institutional Control

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan
IC/EC Plan

Prohibition against use of groundwater without treatment
Site use must be maintained as restricted residential

Box 4**Description of Engineering Controls**Parcel**part of 111.17-7-1**Engineering Control

Cover System

Cover system of pavement and soil over the entire site, approx. 1.82 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

**IC CERTIFICATIONS
SITE NO. C915262**

Box 6

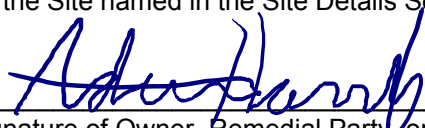
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.


I Adam Harris at Harbor District Associates, LLC, 570 Delaware Ave., Buffalo, NY 14202
print name print business address

am certifying as Designated Owner Representative (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification



Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Brian D. Shiah, P.E. at EnSol, Inc., 661 Main St., Niagara Falls, NY 14301,
print name print business address

am certifying as a Qualified Environmental Professional for the Owner
(Owner or Remedial Party)

Brian D. Shiah
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification



Stamp
(Required for PE)

4/14/20
Date